

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JANUARY 11, 1999
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	4
ATTENDANCE DURING THE MEETING	5
ITEM-1: ROLL CALL	5
ITEM-10: INVOCATION	6
ITEM-20: PLEDGE OF ALLEGIANCE	6
NON-AGENDA COMMENT	6
COUNCIL COMMENT	7
ITEM-30: Approval of Council Minutes	10
ITEM-31: Ricky Williams Day	10
ITEM-32: Presentation by the San Diego Chapter of the American Needlepoint Guild ...	11
ITEM-33: Dowlatshahi Residence	11
ITEM-50: Amendments to the San Diego Municipal Code Relating to the San Diego City Employees' Retirement System	13
* ITEM-51: Creating the Tree Advisory Board	13
* ITEM-52: Carmel Del Mar Neighborhood 4-South Rezoning	14
* ITEM-53: Establishing the Morena Business Improvement District	15
ITEM-54: Establishing the San Ysidro Business Improvement District	15
* ITEM-55: First Amendment to Agreement - Dana Center Joint Use	16

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, January 11, 1999**

Page 2

* ITEM-100: Awarding a Contract for the Construction of Water and Sewer Group 515	17
* ITEM-101: <u>Four</u> actions related to the Final Subdivision Map of Carmel Valley Neighborhood 10 Unit No. 1	19
* ITEM-102: 40th Street (Landis Street to Adams Avenue) Underground Utility District	21
* ITEM-103: CCDC Area 3 - Phase 1 (K Street to South 16th Street and 12th Avenue to 17th Street) Underground Utility District	22
* ITEM-104: Street Dedication - Del Mar Heights Road	23
* ITEM-105: Flood Water Storage Easement Abandonment - Brown Field Business Park Unit No. 2	24
* ITEM-106: Reappointment to the Local Enforcement Agency Hearing Panel	25
* ITEM-107: Support for MTDB Application to SANDAG for CMAQ Funds	26
* ITEM-108: Vietnamese Center	27
* ITEM-109: Ratify College Community Project Area Committee Election of October 6, 1998	28
* ITEM-110: Angle Parking on Eastgate Mall	28
* ITEM-111: Establishing Angle Parking on Emerald Street	29
* ITEM-112: Excusing Mayor Susan Golding from the Council Meeting of 12/1/98	30
* ITEM-113: Excusing Councilmember Harry Mathis from the Rules Committee Meeting of 11/30/98 and the Council Meeting of 12/1/98	31
* ITEM-114: Robert R. Alvarez Day	31
* ITEM-115: Excusing Councilmember George Stevens from the Council Meeting of 12/1/98	32
* ITEM-116: Arlean Sanders Shelby Day	32
* ITEM-117: Excusing Councilmember Judy McCarty from the Regularly Scheduled City	

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, January 11, 1999**

Page 3

Council Meeting of Tuesday, December 8, 1998	33
* ITEM-118: Third Amendment to Unified Port District Agreement	33
* ITEM-119: Appointments to the Citizens' Advisory Board on Police/Community Relations	35
* ITEM-120: Appointments and Reappointment to the Commission on the Status of Women	35
* ITEM-121: Appointments and Reappointment to the Small Business Advisory Board	36
* ITEM-122: Terminating the Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico	37
* ITEM-123: Renewal of Legislative Representation Contract for Washington, D.C.	38
ITEM-124: Hate Crimes Resolution	39
ITEM-150: Agreement with the Otay Water District for the Purchase of Treated Water ...	40
ITEM-200: Maintenance Assessment District Ordinance	41
ITEM-201: Awarding a Contract for the Purchase of 121 Police Patrol Vehicles	42
ITEM-202: Inviting Bids - Water and Sewer Group Job 505	43
ITEM-203: <u>Two</u> actions related to Inviting Bids - South Bay Reclamation Sewer and Pump Station (Package A)	45
ITEM-204: Allocation of \$6.18 Million in Federal Surface Transportation Program (STP) Funds	47
ITEM-205: Acceptance of Grant from the North American Development Bank	48
ITEM-206: Miramar Household Hazardous Waste Transfer Facility	49
ITEM-207: Right of Entry Permit - Regents of the University of California	51
ITEM-208: 1999 Legislative Program	52

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, January 11, 1999**

Page 4

ITEM-209:	<u>Two</u> actions related to Wastewater System Financing Program	53
ITEM-330:	Saddle Club Estates Project	54
ITEM-331:	Carmel Pointe Apartments	58
ITEM-332:	<u>Two</u> actions related to the Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment	59
ITEM-333:	<u>Two</u> actions related to the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment	60
ITEM-334:	Construction Improvements for Pacific Coast Highway at Marriott Residence Inn	61
ITEM-335:	Funding of the Southeastern Economic Development Corporation's Homebuyer Assistance Program for Evergreen Village	62
ITEM-336:	Approving the Financing and Refinancing of the Centre City Redevelopment Project	63
ITEM-337:	Public Facilities Financing Authority of the City of San Diego	63
ITEM-338:	Proposed Consolidated Refunding of Seven 1915 Act Bonds Issued by the City on Behalf of Property Owners within the Districts and the Creation of City of San Diego Reassessment District No. 1999-1	64
ITEM-339:	Authorizing Property Negotiations with De Anza Mobile Estates	65
NON-DOCKET ITEMS		66
CLOSED SESSION		66
ADJOURNMENT		68

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:26 p.m. The meeting was recessed by Mayor Golding at 3:00 p.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Golding at 3:07 p.m. with all Councilmembers present. Mayor Golding recessed the meeting at 8:12 p.m. to reconvene the Redevelopment Agency to meet simultaneously with the City Council with Council Member Stevens not present. Mayor Golding reconvened the regular meeting at 8:16 p.m. with Council Member Stevens not present. Mayor Golding recessed the meeting at 8:17 p.m. to convene the Special Joint Council Meeting with the Redevelopment Agency simultaneously with the Redevelopment Agency with Council Member Stevens not present. The regular meeting was reconvened at 9:59 p.m. with Council Member Stevens not present. Mayor Golding adjourned the meeting at 10:18 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (lw)

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Cleveland Hobdy of the Thirty-First Street Seventh Day Adventist.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding the oath of office and the promise by elected officials to uphold the Constitution of the United States.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A015-062.)

PUBLIC COMMENT-2: REFERRED TO CITY MANAGER

Comment by Al Strohlein regarding much needed changes to the intersection at Fisherman's Cove bridge.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A063-085.)

PUBLIC COMMENT-3:

Comment by Walt Hull regarding Park and Recreation funds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A086-100.)

PUBLIC COMMENT-4:

Comment by Otto Emme regarding knowledge of projects in Mission Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A101-121.)

PUBLIC COMMENT-5:

Comment by Jim Baross regarding cyclists and the effect street resurfacing has on them.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A122-140.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Golding made a plea for all citizens to donate blood. She said the blood bank is dangerously low and they need all types of blood. Also, that donors only have to be 17 years old and in good health to donate blood, commented the Mayor. She said donors can contact the local Red Cross or the San Diego Blood Bank for additional information.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A143-152.)

COUNCIL COMMENT-2:

Council Member Kehoe announced that Attorney General Janet Reno was in North Park to visit the North Park Teen Center and the Recreation Center to look at children's programs and youth programs. She said it was an honor to have her in the district.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A153-161.)

COUNCIL COMMENT-3:

Council Member Vargas commented on a young boy who was in crisis during the holidays, but was helped out by a police officer. Mr. Vargas was then in contact with some fire fighters who helped out with presents. He said he was very impressed with the help given to this young boy.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A162-179.)

COUNCIL COMMENT-4:

Council Member Warden announced the birth of their family's first grandchild born December 19, 1998, weighing 8 pounds, 2 ounces.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A180-186.)

COUNCIL COMMENT-5:

Council Member Stevens wanted to publicly commend several officers who pulled a 28-year old woman, attempting to commit suicide, to safety at the Adam's Avenue bridge. He also commended the RSVP volunteer who found an 85-year old woman lying on the ground in her backyard in Paradise Hills. This volunteer was doing his regular check of seniors when the woman was found and is now reported in fair condition.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A187-200.)

COUNCIL COMMENT-6:

Deputy Mayor Wear wanted everyone to know what a great kick-off they had for the branch library initiative which will be on the March 1999 ballot. He said there were over 300 people in attendance.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A201-209.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

11/23/98 Adjourned
11/24/98
11/24/98 Special Joint Meeting
11/30/98 Adjourned
12/01/98
12/07/98
12/08/98
12/14/98 Adjourned
12/15/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A260-263.)

MOTION BY KEHOE TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: Ricky Williams Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-735) ADOPTED AS RESOLUTION R-291111

Congratulating our nation's 1998 Heisman Trophy Winner, Ricky Williams, and proclaiming January 11, 1999, as "Ricky Williams Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A265-279; A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the

following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: Presentation by the San Diego Chapter of the American Needlepoint Guild.

TODAY'S ACTION IS: PRESENTED

The "San Diego Chapter of the American Needlepoint Guild" represented by President, Rita Dana and the Project Chair, Judy Bullock will present a 3-foot-round needlepoint of the San Diego City Seal to the Mayor and Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A210-259.)

ITEM-33: Dowlats Shahi Residence.

Requests by Matthew Peterson and Monique Dowlats Shahi, for a hearing of an appeal from the decision of the Planning Commission in denying an application for a Coastal and Hillside Review Development Permit 96-0585 with Variances in the La Jolla Community Plan Area.

(CDP/HRP/VAR-96-0585. La Jolla Community Plan Area. District-1.)

TODAY'S ACTION IS: DENIED REQUEST FOR A HEARING OF THE APPEAL

A motion either granting or denying the request for a hearing of the appeal.

SUPPORTING INFORMATION:

The appeal is being requested for a Coastal and Hillside Review Development (CDP/HRP) Permit, to allow the construction of an approximate 5,859 sq.ft., multi-level, single-family residence including an attached two-car garage, on an existing 9,586 sq.ft. (0.22 acre) legal lot. Approximately 1,195 sq.ft. of the residence is proposed below grade, and therefore exempted from the calculation of gross floor area.

The following variances are being requested to allow: (1) Vehicular access across two adjacent Parcels - 2 & 3, where direct access from a public street is required; (2)

Development encroachment (grading) of approximately 35% into steep slopes (including footprint of the residence, driveway and Zone 1 of Brush Management), where 20% of the entire parcel is permitted; and (3) Maximum 8' and 7' high retaining walls observing 0' side yards, where a maximum of 6'-0" is permitted.

Consideration is being given to Alternative Compliance to the Brush Management Ordinance.

The property is located at 7666 Hillside Drive, legally described as Parcel 4 of Parcel Map-7723, within the R1-8000, Coastal, Hillside Review and Proposition 'D' Height Limitation Overlay Zones, La Jolla Residential Sign Control District and Community Plan Area.

The Planning Department recommended approval of the permit 96-0585.

The Planning Commission voted 5-0 to deny the permit and deny the appeal. Was opposition.

Ayes: Butler, Skorepa, Stryker, Watson, White
Not present: Anderson, Steele

The La Jolla Community Planning Group has recommended approval of this project.

FILE LOCATION: PERM - 96-0585 (65)

COUNCIL ACTION: (Tape location: A284-312.)

MOTION BY MATHIS TO DENY REQUEST FOR HEARING THE APPEAL AND STAND ON THE DECISION OF THE PLANNING COMMISSION. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-50: Amendments to the San Diego Municipal Code Relating to the San Diego City Employees' Retirement System.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/1/98. (Council voted 6-0. Councilmembers Mathis, Stevens and Mayor Golding not present):

(O-99-73 Cor.Copy) ADOPTED AS ORDINANCE O-18608 (New Series)

Amending Chapter II, Article 4, of the San Diego Municipal Code by adding Division 15 titled investment earnings, supplemental benefits and adjustments; by repealing Division 5-B and Sections 24.0531 and 24.0532; by amending Divisions 9 and 15 by repealing Section 24.0907 and reenacting it as Sections 24.1501 and 24.1502, by amending Divisions 4 and 15 by renumbering and amending Section 24.0404 to 24.1503; by amending Division 15 by adding Section 24.1504; by amending Division 15 by reenacting Section 24.0531 and 24.0532 to Sections 24.1505 and 24.1506, respectively; and by amending Division 15 by adding Section 24.1507, all relating to the San Diego City Employees' Retirement System.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F348-351; L091-172.)

MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-51: Creating the Tree Advisory Board.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/7/98. (Council voted 9-0):

(O-99-77) ADOPTED AS ORDINANCE O-18609 (New Series)

Amending Chapter II, Article 6, of the San Diego Municipal Code by adding Division 5, Sections 26.0501, 26.0502 and 26.0503 relating to the Tree Advisory Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52: Carmel Del Mar Neighborhood 4-South Rezoning.

(RZ-96-7824. Carmel Valley Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/8/98. (Council voted 7-0. Councilmembers Kehoe and McCarty not present.)

(O-99-78) ADOPTED AS ORDINANCE O-18610 (New Series)

Changing 6.72 acres located north of State Route 56 and Carmel Country Road, and southeast of Carmel Canyon Road, within the Carmel Del Mar Neighborhoods 4, 5, and 6 Precise Plan and the Carmel Valley Community Plan.

FILE LOCATION: LAND - Progress Guide & General Plan - Carmel Valley (09)

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-53: Establishing the Morena Business Improvement District.

(Linda Vista & Clairemont Mesa Community Areas. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/8/98. (Council voted 7-1. Mayor Golding voted nay. Councilmember McCarty not present):

(O-99-52 Cor.Copy) ADOPTED AS ORDINANCE O-18611 (New Series)

Establishing the Morena Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989 and levying an assessment and charge for upgrading and promoting the area.

FILE LOCATION: STRT - L-19 (32)

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-nay.

ITEM-54: Establishing the San Ysidro Business Improvement District.

(San Ysidro Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/8/98. (Council voted 8-0. (Councilmember McCarty not present):

(O-99-51 Cor.Copy) ADOPTED AS ORDINANCE O-18612 (New Series)

Establishing the San Ysidro Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989 and levying an assessment and charge for upgrading and promoting the area.

FILE LOCATION: STRT - L-20 (32)

COUNCIL ACTION: (Tape location: I149-153.)

MOTION BY VARGAS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE . Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-55: First Amendment to Agreement - Dana Center Joint Use.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-81) INTRODUCED, TO BE ADOPTED FEBRUARY 1, 1999

Authorizing the execution of a first amendment to agreement for the construction, operation, and lease of turfed field and recreation facilities at Richard Henry Dana Center.

CITY MANAGER SUPPORTING INFORMATION:

The proposed First Amendment to the Richard Henry Dana Center Joint Use Agreement provides for the modification of joint use areas, and attendant school and community use schedules, to reflect required changes necessary to reopen the Dana Center as a sixth grade school.

In the fall of 1997, the Board of Education directed San Diego Unified School District Staff (District) to institute a sixth grade school at the Dana Center site. Subsequently, District staff formally submitted a request for a First Amendment to the Joint Use Agreement. The amended joint use area includes turfed ballfields, basketball courts, parking lot, tot lot, landscaped slopes and other hard-scape and landscaped areas. The use schedule was modified to reflect new school

uses which affects community use, and maintenance responsibilities for the various site components were also modified. Generally, District and City maintenance responsibilities were adjusted to reflect an increase in school usage. This proposal was reviewed and approved by the Ocean Beach Recreation Council in February 1998 and the Coastal Area Committee in March 1998, a subcommittee of the Park and Recreation Board, and the San Diego City Schools Board of Education at their October 19, 1998 meeting.

Annual maintenance costs for the City are anticipated to be approximately \$33,000 which is \$9,000 less than the City currently spends to maintain the existing joint use site.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100: Awarding a Contract for the Construction of Water and Sewer Group 515.

(Ocean Beach, Greater Golden Hill, Sherman Heights and Peninsula Community Areas. Districts-2, 3 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-699) ADOPTED AS RESOLUTION R-291112

Accepting the bid of \$1,576,658 by Ortiz Corporation and awarding a contract for the construction of Water and Sewer Group 515;

Authorizing the expenditure of an amount not to exceed \$1,878,785 from CIP-73-841.5 and an amount not to exceed \$544,023 from CIP-44.308.9;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K98090C)

(Seven bids received.)

CITY MANAGER SUPPORTING INFORMATION:

On June 15, 1998, pursuant to Resolution R-290249, the City Council approved the plans and specifications, and authorized the City Manager to execute a contract for construction of Water and Sewer Group 515 with the lowest responsible bidder. The project was advertised on June 4, 1998, and nineteen bids were issued to prospective bidders.

On July 29, 1998, seven bid packages were received. The lowest acceptable bid was received from Ortiz Construction of \$1,576,658, which was \$292,541 over the engineer's estimate of \$1,284,117. During the bidding period, the City added the replacement of the sewer main in Talbot Street to Water and Sewer Group 515, as an accelerated sewer replacement. The project scope requires replacement of approximately 889 feet of sewer main along Talbot Street and Akron Street, and rehabilitation of approximately 295 feet of sewer main on Talbot Street, east of Bangor Street, for a total of approximately 1,184 linear feet. The overage in bids is mainly as a result of this late addition to the project during the bidding period, and therefore, staff recommends the award of the contract to Ortiz Construction.

Aud. Cert. 9900643.

FILE LOCATION: CONT - Ortiz Corporation

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Four actions related to the Final Subdivision Map of Carmel Valley Neighborhood 10 Unit No. 1.

(A 74-lot subdivision. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-652) ADOPTED AS RESOLUTION R-291113

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of public improvements.

Subitem-B: (R-99-651) ADOPTED AS RESOLUTION R-291114

Approving the final map.

Subitem-C: (R-99-653) ADOPTED AS RESOLUTION R-291115

Authorizing a Landscape Maintenance Agreement with Pardee Construction Company for the installation and completion of public improvements.

Subitem-D: (R-99-566) ADOPTED AS RESOLUTION R-291116

Accepting a grant deed of Pardee Construction Company, granting to the City Lot A of Carmel Valley Neighborhood 10 Unit No. 1.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of 52.580 acres into 74 lots for residential development. It is located north of Carmel Mountain Road in the Carmel Valley Community Plan area. On September 20, 1994, the City Council approved Carmel Valley Planned District Development Plan/Resource Protection Ordinance Permit No. 91-0834 by Resolution R-284660 for Carmel Valley Neighborhood 10. The City Engineer has approved the final map and states that all conditions of the Vesting Tentative Map have been satisfied. City Council action is required to give final approval of all final maps and agreements. The public improvements required for this

subdivision are shown in detail on Drawing Nos. 28023-1D through 28023-28-D, filed in the Office of the City Clerk under Micro Number 139.90. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is now \$1,246,221 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$10,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. Lot "A" is being deeded by separate instrument to the City at no cost as a condition of tentative map approval. This lot totals 30.056 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

FILE LOCATION: Subitems A,B,C: SUBD - Carmel Valley Neighborhood 10
Unit No. 1;
Subitem D: DEED F-7399

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102: 40th Street (Landis Street to Adams Avenue) Underground Utility District.

(Kensington, Normal Heights, Corridor, City Heights. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-687) ADOPTED AS RESOLUTION R-291117

Designating February 26, 1999 as the date upon which all property in the 40th Street (Landis Street to Adams Avenue) Underground Utility District must be ready to receive underground service and May 7, 1999 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78106 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the 40th Street (Landis Street to Adams Avenue) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the 40th Street (Landis Street to Adams Avenue) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Treasurer to return to SDG&E any un-disbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION:

The 40th Street (Landis Street to Adams Avenue) Underground Utility District was created by the City Council on November 28, 1995. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set February 26, 1999 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish

May 7, 1999 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800.00 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT - K-240 (38)

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103: CCDC Area 3 - Phase 1 (K Street to South 16th Street and 12th Avenue to 17th Street) Underground Utility District.

(Centre City, Barrio Logan Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-706) ADOPTED AS RESOLUTION R-291118

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the CCDC Area 3 - Phase 1 (K Street to South 16th Street and 12th Avenue to 17th Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Under-grounding of City Utilities", and will underground the overhead utility facilities on CCDC Area 3 - Phase 1 (K Street to South 16th Street and 12th Avenue to 17th Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required under-grounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching.

Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the under-grounding work approaches completion.

FILE LOCATION: STRT - K-262 (38)

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104: Street Dedication - Del Mar Heights Road.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-628) ADOPTED AS RESOLUTION R-291119

Setting aside a portion of the east half of the southeast quarter of the northwest

quarter of the northeast quarter of Section 17, Township 14 South, Range 3 West, San Bernardino Meridian, for a public street and naming the same Del Mar Heights Road.

CITY MANAGER SUPPORTING INFORMATION:

This requested action dedicates a parcel of land located northerly of Del Mar Heights Road for additional right-of-way for public street purposes to support new development in the Carmel Valley area. The City of San Diego currently owns the parcel in fee title and acquired the parcel with Pardee Construction Company paying all costs. Staff recommends approval of this item.

FILE LOCATION: DEED F-7400

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105: Flood Water Storage Easement Abandonment - Brown Field Business Park Unit No. 2.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-688) ADOPTED AS RESOLUTION R-291120

Vacating the flood water storage easement located in Lot 10 of Brown Field Business Park Unit No. 2.

CITY MANAGER SUPPORTING INFORMATION:

This project is located north of St. Andrews Avenue and west of Gales Boulevard in the Otay Mesa Community Area. The Council is asked to vacate an unneeded flood water storage easement (as shown on engineering drawing No. 18827-B) to accommodate new construction of a warehouse for the manufacturing of wire racks. The new warehouse necessitates the reconfiguration of an existing flood water storage easement that was placed on the property for a previous development. A replacement easement has been granted to the City and accepted by the City Engineer. The easement to be vacated and the new easement were acquired at no cost to the City. Staff recommends approval.

FILE LOCATION: DEED F-7401

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106: Reappointment to the Local Enforcement Agency Hearing Panel.

(See memorandum from Mayor Golding dated 12/10/98.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-716) ADOPTED AS RESOLUTION R-291121

Council confirmation of the reappointment by the Mayor of David Merk to serve as a member of the Local Enforcement Agency Hearing Panel, for a term ending January 1, 2001, in the Technical Expert category.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the

following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107: Support for MTDB Application to SANDAG for CMAQ Funds.

(Centre City Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-698) ADOPTED AS RESOLUTION R-291122

Supporting the Metropolitan Transit Development Board's application to SANDAG for a grant of \$8.853 million of Congestion Mitigation and Air Quality funds for trolley track and station improvements along 12th Avenue.

CITY MANAGER SUPPORTING INFORMATION:

This is a request for City Council support of an application from the Metropolitan Transit Development Board to SANDAG for a grant of \$8,853,000 (88.53 percent of a \$10 million dollar project) of Congestion Mitigation and Air Quality (CMAQ) funds. The funds will be used for the transit element of the 12th Avenue/Park Boulevard Enhancement Project which is a component of a comprehensive plan to revitalize the East Village neighborhood (a 300-acre blighted inner-city neighborhood). The transit element improvements consist of the reconstruction of the trolley station(s) and realignment of the trackway along 12th Avenue. In the future, the trolley will be an intricate part of the transportation system to and from the downtown ballpark. The trolley improvements along 12th Avenue will significantly enhance pedestrian safety and access to the ballpark as well as improve the efficiency of the trolley in the downtown area. The total cost of these improvements, excluding the acquisition of right-of-way, is estimated at \$10 million.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108: Vietnamese Center.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-700) ADOPTED AS RESOLUTION R-291123

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$40,000 from CDGB Fund Nos. 18533 and 18534 to acquire an additional 15 percent interest in the Vietnamese Center property located at 7833 Linda Vista Road between Aero Drive and Mesa College Drive.

CITY MANAGER SUPPORTING INFORMATION:

On July 25, 1994, City Council adopted Resolution No. R-284329, authorizing the expenditure of \$196,250 in CDBG funds to assist the Vietnamese Federation in purchasing property for their Community Center located at 7833 Linda Vista Road. The balance of the purchase price, \$120,000 was secured by two private purchase money Notes and Deeds of Trust. On February 10, 1997, City Council adopted Ordinance No. O-18382, which authorized the expenditure of \$75,000 for the acquisition of 25 percent of the Vietnamese property by paying off the Second Note and Deed of Trust on the property. City Council also tentatively approved the acquisition of an additional 15 percent of the Vietnamese property for \$40,000 by paying off the First Note and Deed of Trust, providing CDBG funds were available. The CDBG funds are available to purchase this additional 15 percent interest and eliminate the remaining debt and provide the City additional security for its Note and Deed of Trust.

Aud. Cert. 9900652.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109: Ratify College Community Project Area Committee Election of October 6, 1998.

(See City Manager Report CMR-98-238. College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-692) ADOPTED AS RESOLUTION R-291124

Approving a Representative Project Area Committee for the College Community
Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: Angle Parking on Eastgate Mall.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-666) ADOPTED AS RESOLUTION R-291125

Establishing angle parking on the south side of Eastgate Mall between Regents
Road and Genesee Avenue, in front of the San Diego Police Department Northern
Area Station;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the south side of Eastgate Mall between Regents Road and Genesee Avenue, in front of the San Diego Police Department Northern Area Station. Currently there is parallel parking in this segment. This action will provide 5 additional parking spaces. Council approval is required, according to the San Diego Municipal Code, Section 86.03. The angle parking was requested by the Northern Division of the San Diego Police Department and will be located entirely on the Police Station frontage. The University Community Planning Group supports this action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111: Establishing Angle Parking on Emerald Street.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-695) ADOPTED AS RESOLUTION R-291126

Establishing angle parking on the north side of Emerald Street between Cass Street and Dawes Street;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the north side of Emerald Street between Cass Street and Dawes Street. Currently, there is parallel parking in this segment. This action will provide six additional parking spaces. Council approval is required, according to the San Diego Municipal Code, Section 86.03. A petition representing 79% of the affected properties was submitted in support of this action. The Pacific Beach Community Planning Committee supports this action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112: Excusing Mayor Susan Golding from the Council Meeting of 12/1/98.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-718) ADOPTED AS RESOLUTION R-291127

Excusing Mayor Susan Golding from attending the regularly scheduled Council meeting of December 1, 1998, due to other City business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-113: Excusing Councilmember Harry Mathis from the Rules Committee Meeting of 11/30/98 and the Council Meeting of 12/1/98.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-673) ADOPTED AS RESOLUTION R-291128

Excusing Councilmember Mathis from attending the Rules, Finance and Intergovernmental Relations Committee meeting of November 30, 1998, and the regularly scheduled Council meeting of December 1, 1998, due to weather conditions which prevented his timely return to San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-114: Robert R. Alvarez Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-727) ADOPTED AS RESOLUTION R-291129

Proclaiming January 8, 1999 to be "Robert R. Alvarez Day " in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the

following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115: Excusing Councilmember George Stevens from the Council Meeting of 12/1/98.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-675) ADOPTED AS RESOLUTION R-291130

Excusing Councilmember Stevens from attending the regularly scheduled Council meeting of December 1, 1998, due to his participation in the National League of Cities Conference.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116: Arlean Sanders Shelby Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-647) ADOPTED AS RESOLUTION R-291131

Saluting Arlean Sanders Shelby who has been blessed to live 80 years;

Proclaiming January 2, 1999 to be "Arlean Sanders Shelby Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-117: Excusing Councilmember Judy McCarty from the Regularly Scheduled City Council Meeting of Tuesday, December 8, 1998.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-736) ADOPTED AS RESOLUTION R-291132

Excusing Councilmember Judy McCarty from attending the regularly scheduled City Council Meeting of Tuesday, December 8, 1998, due to illness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-118: Third Amendment to Unified Port District Agreement.

RETIREMENT BOARD'S RECOMMENDATION:

Adopt the following resolution:

(R-99-685) CONTINUED TO JANUARY 19, 1999

Authorizing the City Manager to enter into a third amendment to the agreement with the Port District, to clarify the definition of the term "compensation" as it relates to the Port District's participating employees, exclude part-time Port

District employees from participating in SDCERS, and confirm that the Port District may hire persons who have retired from City service, subject to certain conditions.

CITY MANAGER SUPPORTING INFORMATION:

The City and the District entered into a Retirement Agreement "Agreement" on February 11, 1964, to provide retirement benefits to the District's employees through participation as general members in the San Diego City Employees' Retirement System ("SDCERS"). On May 26, 1992, the City and the District entered into a first amendment to the Agreement allowing designated District employees to participate in SDCERS as safety members. The City and the District entered into a second amendment to the Agreement on March 17, 1997, to provide benefits different from some of the benefits provided under the Manager's Proposal to District employees participating in SDCERS. (The Agreement, and the first and second amendments thereto, are on file in the office of the San Diego City Clerk as Document Nos. 667149, RR-279991 and RR-288414.) The City and District now wish to enter into a third amendment to the Agreement, allowing the District to: (1) implement a different definition of "Compensation" for the calculation of retirement benefits than the one currently contained in San Diego Municipal Code section 24.0103; (2) exclude part-time District employees from participating in SDCERS, because these individuals are covered under Social Security; and (3) clarify that the District may, notwithstanding SDMC section 24.1000, hire persons retired from City service, who shall not make contributions to, nor be active members in, SDCERS.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO CONTINUE TO JANUARY 19, 1999, AS REQUESTED BY THE CITY MANAGER FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119: Appointments to the Citizens' Advisory Board on Police/Community Relations.

(See memorandum from Mayor Golding dated 12/10/98.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-717) ADOPTED AS RESOLUTION R-291133

Council confirmation of the following appointments by the Mayor to serve as members of the Citizens' Advisory Board on Police/Community Relations, for terms ending January 1, 2001:

Appointments	<u>Category</u>
David Weiss	Social Services, Corrections
(Replacing Lori Shands, whose term has expired)	
Frank "Mitch" Michell	Social Services, Corrections
(Replacing Cleovonne "Vonnice" Ellis, whose term has expired)	

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-120: Appointments and Reappointment to the Commission on the Status of Women.
(See memorandum from Mayor Golding dated 12/10/98 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-714) ADOPTED AS RESOLUTION R-291134

Council confirmation of the following appointments and reappointment by the Mayor to serve as members of the Commission on the Status of Women, for terms ending as indicated:

<u>Appointments</u>	<u>Term Expiring</u>
Josephine A. Bennett (Replacing Mary B. Maschal, who has resigned)	March 1, 2000
Maya-Hu-Chan (Replacing Christina Chiriboga, who has resigned)	March 1, 1999
<u>Reappointment</u> Maya-Hu-Chan (Reappointment to a full term upon expiration of partial term)	March 1, 2001

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-121: Appointments and Reappointment to the Small Business Advisory Board.

(See memorandum from Mayor Golding dated 12/10/98 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-715) ADOPTED AS RESOLUTION R-291135

Council confirmation of the following appointments and reappointment by the Mayor to serve as members of the Small Business Advisory Board, for terms expiring as indicated:

<u>Appointment</u>	<u>Category</u>	<u>Term Expiring</u>
Jeanne M. Zagrodnik (Replacing Arthur H. Goodman, deceased)	Member at Large	July 1, 2000
Richard Sims (Replacing Stephen N. Russell, who has resigned)	Member at Large	July 1, 2000

Reappointment

Badi Bidozamani	Member at Large	July 1, 2000
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FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-122: Terminating the Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-739) RETURNED TO THE CITY MANAGER

Terminating the continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER REVIEW AS REQUESTED BY COUNCIL MEMBER MATHIS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-123: Renewal of Legislative Representation Contract for Washington, D.C.

(See Intergovernmental Relations Department Report IRD-98-9.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-99-755 Cor.Copy 1/7/99) ADOPTED AS RESOLUTION R-291136

Authorizing the Director of the Intergovernmental Relations Department to enter into contract negotiations with Copeland, Lowery and Jacquez, for legislative representation services in Washington, D.C., for a period of January 1, 1999 through December 31, 2000, as more particularly described in Intergovernmental Relations Department Report IRD- 98-9, dated November 30, 1998;

Authorizing the Director of the Intergovernmental Relations Department to execute the contract for the City upon the City Auditor issuing an Auditor's Certificate indicating that the money required for the contract is in the treasury and that it is otherwise unencumbered.

RULES COMMITTEE'S RECOMMENDATION:

On 11/30/98, RULES voted 4-0 to accept the Recommendation for Retention of Federal Legislative Representation: Selection of Federal Representation for the City of San Diego with the understanding that this approval gives Intergovernmental Relations Department staff the authority to negotiate a contract for approximately \$250,000 with Copeland, Lowery & Jacquez. (Councilmembers Wear, Warden, McCarty and Mayor Golding voted yea. Councilmember Mathis not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-124: Hate Crimes Resolution.

(See Intergovernmental Relations Department Report IRD-98-11.)

INTERGOVERNMENTAL RELATION'S DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-99-737) ADOPTED AS RESOLUTION R-291137

Declaring that the City Council calls upon the United States Congress to introduce legislation that expands federal authority to prosecute hate crimes by eliminating the federally protected activity requirement and adding crimes committed on the basis of the victim's gender, sexual orientation, or disability.

RULES COMMITTEE'S RECOMMENDATION:

On 11/30/98, RULES voted 4-0 to approve a Resolution regarding Hate Crimes and to include a referral to the Human Relations Commission to provide an educational program for youth that would include looking at other models on dealing with hate crimes. (Councilmembers Wear, Warden, McCarty and Mayor Golding voted yea. Councilmember Mathis not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F179-190.)

MOTION BY McCARTY TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150: Agreement with the Otay Water District for the Purchase of Treated Water.

(See City Manager Reports CMR-98-228 and CMR-98-158. District-8.)

(Continued from the meeting of December 7, 1998, Item 121, at the City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-620) ADOPTED AS RESOLUTION R-291138

Authorizing the City Manager to enter into an agreement with the Otay Water District regarding the purchase of surplus treated water from the City of San Diego;

Authorizing the City to sell Otay treated water, surplus to the City's needs, from the City's Otay Water Treatment Plant upon the execution of the agreement;

Authorizing the City to sell Otay additional treated water;

Declaring that the Otay Water District will pay the City's actual operating costs for treatment, which includes operation, maintenance, and overhead expenses, plus the prevailing CWA raw water rate regardless of whether local or imported raw water is treated;

Declaring that the agreement term is for fifty years.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/29/98, NR&C voted 4-0 to authorize the City Manager to sign the agreement for the purchase of treated water from the City subject to Feasibility and Bond Counsel review. (Councilmembers Mathis, Wear, Kehoe and Stallings voted yea. Councilmember Warden not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the

following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Maintenance Assessment District Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Introduce the following ordinance which was discussed and amended on 12/8/98.
(Council voted 8-0. Councilmember McCarty not present):

(O-99-79 Rev.1) Cor Copy 1 INTRODUCED, TO BE ADOPTED
FEBRUARY 1, 1999

Introduction of an Ordinance amending Chapter VI, Article 5, Division 2 of the San Diego Municipal Code by amending Sections 65.0202, 65.0212, and 65.0214; all pertaining to Maintenance Assessment Districts.

CITY MANAGER SUPPORTING INFORMATION:

This ordinance will amend Municipal Code Sections 65.0202, 65.0212, and 65.0214. The amendments enumerated below are introduced to enable the City to evaluate the viability of a non-profit corporation administering the provision of services to a specific zone within a Maintenance Assessment District. Specifically, this ordinance will effect the following amendments to Chapter VI, Article 5, Division 2 of the San Diego Municipal Code:

- 1) This ordinance will add a defining term for "Zone" to mean Zone 3 of the Downtown Landscape and Lighting Maintenance District. Additionally, this ordinance will amend the Municipal Code to allow Zone 3 of the Downtown Landscape and Lighting District to be administered by a Non-profit Corporation for a one year period provided that the Non-profit Corporation can obtain written documentation from property owners, representing a majority of the parcel area within Zone 3, indicating their support for Zone 3 to be administered by the same Non-profit Corporation.

- 2) This ordinance will establish additional agreement provisions with Non-profit Corporations which administer maintenance contracts for Maintenance Assessment Districts or Zone 3 of the Downtown Landscape and Lighting District to include on-site inspections, financial interest disclosure, noticed meetings with property owners, separate accounting with annual audit review and clarifying certain existing provisions of Chapter VI, Article 5, Division 2, Section 65.0212.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Awarding a Contract for the Purchase of 121 Police Patrol Vehicles.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-44) ADOPTED AS RESOLUTION R-291139

Accepting the low bid and awarding a contract to Vince Dixon Ford, Inc. (Carlsbad, CA) for the purchase of 121 police patrol vehicles (1999 Ford Crown Victoria Police Interceptor), at a cost of \$19,841 each, for a total of \$2,400,761, plus sales tax, less trade-in allowance of \$329,930;

Authorizing the expenditure of not to exceed \$1,128,444.99, from Fund No. 18734, Department No. 18734, Object Account No. 6010, and Job Order No. 018734; and not to exceed \$1,128,444.99 from Fund No. 100, Department No. 110, Organization No. 4001, Object Account No. 6010, Job Order No. 004001;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-Q1070/99)

CITY MANAGER SUPPORTING INFORMATION:

These vehicles are requested by the Police Department for use as Patrol Vehicles. One Hundred ten are replacements for the vehicles being traded-in which all have mileage in excess of 95,000 miles. Five are replacement for vehicles which were damaged beyond cost effective repair and are being used as a source of replacement parts. Six are additional vehicles which will be utilized by additional officers assigned to patrol. Seventeen potential bidders were contacted; three bids were received.

Bids were evaluated per bid specifications on the basis of the initial cost of the vehicles, trade-in allowances and terms of payment. Similar vehicles were purchased in November of 1997 from Vince Dixon Ford. The proposed contract pricing is approximately 1% higher.

Aud. Cert. 9900649.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: A590-B131.)

MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Inviting Bids - Water and Sewer Group Job 505.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-401) ADOPTED AS RESOLUTION R-291140

Authorizing the Contract Services Division of the City of San Diego to invite bids for Water and Sewer Group Job 505 on Work Order No. 171091/181461;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,577,422 from Water Revenue Fund No. 41500, CIP-73-083.0, Annual Allocations Water Mains, and an amount not to exceed \$384,269 from Sewer Revenue Fund 41506, CIP-44-

001.0, Annual Allocations, for the project and related costs, provided the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure under established contract funding are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Authorizing the City Manager to establish contract funding phases with the lowest responsible and reliable bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under the contract are, or will be, on deposit with the City Treasury;

Authorizing the City Manager to use City Forces to make connections and perform operational checks as required in connection with Water and Sewer Group Job 505; declaring that the cost of the work shall not exceed \$296,126 from Water Revenue Fund 41500. (BID-K99067C)

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group Job 505 is a part of the City's ongoing cast iron water and concrete sewer main Capital Improvement's Annual Allocation Replacement Program. The existing mains were installed as early as 1924 and are approaching the end of their useful service life. Replacement of these deteriorated and undersized mains will continue to provide the community with a safe and reliable water and sewer infrastructure. This project is within the Mid-City Community Area and involves the replacement of 6,256 feet of existing 6-inch, 10-inch and 12-inch cast iron water mains and 820 feet of existing 8-inch concrete sewer mains. The following streets will be affected by the construction operations: Marlborough Drive; Marlborough Avenue; Monroe; 42nd; Madison; Vista; and Orange. Residents will be notified by mail at least one (1) month prior to construction by the City and ten (10) days prior to construction by the contractor.

WWF-99-351.

FILE LOCATION: W.O. 171901/181461 CONT-So. CA Underground
Contractors

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Two actions related to Inviting Bids - South Bay Reclamation Sewer and Pump Station (Package A).

(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-499) ADOPTED AS RESOLUTION R-291141

Inviting bids for the construction of the South Bay Reclamation Sewer and Pump Station, Package A on Work Order No. 196231;

Authorizing the City Manager to establish contract funding phases with the lowest responsible bidder for this project, based on the actual low bid submitted, and to execute a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under the contract are, or will be, on deposit with the City Treasury;

Authorizing the expenditure of an amount not to exceed \$11,661,769 from Sewer Fund No. 41509, CIP-40-911.3, South Bay Reclamation Sewer and Pump Station, to provide funds for project construction and related costs, and the

expenditure of an amount not to exceed \$505,800 from Fund No. 41509, CIP- 46-502.0, Annual Allocation - Pooled Contingency, for project contingency, provided the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99101)

Subitem-B: (R-99-500) ADOPTED AS RESOLUTION R-291142

Authorizing the City Manager to negotiate a sixteenth amendment to the agreement of August 8, 1994, with Westinghouse Electric Corporation, a division of CBS Corporation, in connection with COMNET-related services at South Bay Reclamation Sewer and Pump Station, in an amount not to exceed \$934,935 and subject to approval by the City Council.

CITY MANAGER SUPPORTING INFORMATION:

The South Bay Reclamation Sewer and Pump Stations (SBRS & PS) will divert reclaimable quality wastewater from the existing San Ysidro Trunk Sewer to the South Bay Water Reclamation Plant for treatment. This water will be treated to tertiary treatment levels so that it can be reused for irrigation or other non-potable uses.

This diversion will also reduce the amount of flow in the South Metro Interceptor Sewer (SMI) and the flow being treated at the Point Loma Wastewater Treatment Plant. This will reduce the risk of sewer spills and minimize hydraulic loads at Point Loma. The SBRS & PS is divided into two construction contracts, Pump Station (Package A) and Pipelines, 30-inch force main and 8-inch (Package B). At this time, approval is requested for the advertisement and award of Package A.

Also, included in this action is \$934,935 for the installation of hardware, software, and instruments for the wastewater operations management network (COMNET) CIP-45-920.0 scheduled for FY 2000. Related costs requested include OCIP for FY 1999 and FY 2000 and in house engineering support. The MND (Mitigated Negative Declaration) for this project was certified by City Council on December 2, 1997.

WWF-99-351.

FILE LOCATION: Subitem A: W.O. 196231, CONT - PCL Constructors, Inc.
Subitem B: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204: Allocation of \$6.18 Million in Federal Surface Transportation Program (STP) Funds.

(See City Manager Report CMR-98-237.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-701) ADOPTED AS AMENDED AS RESOLUTION R-291143

Approving the City Manager's submittal to SANDAG for \$6.18 million in Federal Surface Transportation Program (STP) funds for new traffic signals and street reconstruction projects listed in Tables 1 and 2 of City Manager Report CMR98-237.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B138-382.)

MOTION BY WEAR TO ADOPT THE RESOLUTION AS AMENDED TO INCREASE THE AMOUNT FROM \$6.18 MILLION TO APPROXIMATELY \$7.9 MILLION, THEREBY ADDING FIVE (5) ADDITIONAL SIGNALS TO THE 26 LISTED IN THE CITY MANAGER'S REPORT NO. 98-237, PLUS THE ADDITIONAL MONEY TO BE USED TO COMPLETE ALL OF THE PROJECTS LISTED IN TABLE II AS REQUESTED BY STAFF; AND DIRECT THE RULES

COMMITTEE CONSULTANT AND THE MANAGER TO REFER TO THE LAND USE & HOUSING COMMITTEE THE LIST OF PROJECTS TO BE REVIEWED ON AN ANNUAL BASIS WHEN FEDERAL FUNDS ARE AVAILABLE IN ORDER TO SET PRIORITIES AS REQUESTED BY COUNCIL MEMBER WARDEN AND MAYOR GOLDING. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: Acceptance of Grant from the North American Development Bank.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-719) ADOPTED AS RESOLUTION R-291144

Authorizing the City Manager or designated representative to conduct all negotiations and execute and submit all documents to accept and administer a grant from the North American Development Bank, to be used in connection with the South Bay Water Reclamation Plant.

CITY MANAGER SUPPORTING INFORMATION:

The North American Development Bank (NAD/Bank) and its sister institution, the Border Environmental Cooperation Commission (BECC) were created under the auspices of the North American Free Trade Agreement (NAFTA). The NAD/Bank's role is to facilitate financing for the development, execution, and operation of environmental infrastructure projects that have been certified by the BECC. The BECC's primary role is to assist border states and local communities in coordinating and designing environmental infrastructure projects, as well as to certify the technical feasibility and environmental integrity of infrastructure projects seeking financial support from NAD/Bank. On June 18, 1997 the City obtained BECC certification for the South Bay Water Reclamation Plant (SBWRP). This was the first step in qualifying for NAD/Bank Funding. The City was also required to meet a strict affordability analysis conducted by NAD/Bank. Since that time the City has been negotiating its eligibility for grant funding for the project with NAD/Bank and the Environmental Protection Agency (EPA). On September 22, 1998 the EPA informed the City that it would receive \$17.2 million from the Border Environmental Infrastructure Fund (BEIF) program to be used in financing the costs associated with construction of the SBWRP. This funding was part of a \$170 million in (BEIF) funds awarded to NAD/Bank by the EPA, in April 1997.

These funds were to be used by NAD/Bank to identify eligible projects, administer and assist in the financing of projects that improve environmental and economic conditions on the U.S. and Mexico border. We are requesting authorization for the City Manager or his designated representative to conduct all negotiations and execute and submit all documents to accept and administer this grant. It is estimated that the first reimbursement for costs associated with the plant will be in May 1999. This reimbursement would be approximately \$6 million.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206: Miramar Household Hazardous Waste Transfer Facility.

(District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-705) ADOPTED AS RESOLUTION R-291145

Authorizing the transfer of \$508,000 from MWWD Sewer Revenue Fund No. 41509, Unallocated Reserve, Organization No. 445, Object Account No. 4903 to MWWD CIP-45-928.0, Fund No. 41509, Household Hazardous Waste Transfer Facility;

Authorizing the expenditure of \$983,000 from MWWD CIP-45-928.0, Fund No. 41509, Household Hazardous Waste Transfer Facility, and \$485,000 from ESD CIP-32-001.0, Fund No. 30244, Household Hazardous Waste Transfer Facility, for the construction of the Household Hazardous Waste Transfer Facility at the Miramar Landfill;

Authorizing the City Manager to accept the lowest responsive bid of \$857,155 from John Carey Construction Company, as advertised by Contract Services, which is 42% over the engineer's estimate, and to execute a contract for the construction of the Household Hazardous Waste Transfer Facility at the Miramar Landfill;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for the construction of the Household Hazardous Waste Transfer Facility at the Miramar Landfill. Completion of this facility will provide a permanent location for the public to drop off household hazardous waste, replacing and/or supplementing current one-day collection events held throughout the City. The project was approved under the General Development Plan (GDP) for the Miramar Landfill. An EIS/EIR was completed and certified in September 1994.

The Metropolitan Wastewater (MWWD) and Environmental Services (ESD) Departments are required under state law to divert household hazardous waste from the sewer system and the landfill. MWWD and ESD have previously shared funding for programs to accomplish this goal. ESD has taken the lead in implementing a household hazardous waste collection program and in developing plans for the proposed transfer facility. The project was advertised by Contract Services and bids were opened on November 20, 1998. Four bids were received. The bids ranged from \$757,715 to \$874,557, which were 30-45% over the engineer's estimate for the facility. Subsequently, a potential subcontractor realized that a clerical error in his bid caused a major error in his quoted price, and withdrew his subcontractor's bid from all general contractors bidding on the project. As a result, the two lowest bidders who used the subcontractors's price quote withdrew their bids.

The lowest responsive bidder is John Carey Construction Company, whose bid of \$857,155 is 42% over the engineers's estimate. Staff analysis of all bids indicates that the two lowest bids received would have been much higher if the clerical error had not occurred, thus it is considered unlikely that rejection and re-advertising would result in lower bids. John Carey Construction Company is a certified W.B.E. contractor.

Aud. Cert. 9900666.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207: Right of Entry Permit - Regents of the University of California.

(La Jolla Community Area. District-1.)

(Continued from the meetings of November 10, 1998, Item 115 and December 7, 1998, Item 204, last continued at the City Manager's request for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-480) ADOPTED AS RESOLUTION R-291146

Authorizing the City Manager to execute a right of entry permit with the Regents of the University of California for the maintenance of a seismic station at La Jolla View Reservoir in La Jolla for a 15-year term with a mutual 90-day termination clause.

CITY MANAGER SUPPORTING INFORMATION:

In 1983, the City executed a right of entry permit with the Regents of the University of California, the San Diego Campus Scripps Institute of Oceanography and Planetary Physics for installation, operation and maintenance of an unmanned seismic station on City-owned property adjacent to La Jolla View Reservoir in La Jolla. The station is part of the Cal-Mexico Seismic Hazard Program studying the seismicity of the Rose Canyon fault zone. The permit expired in April 1998 and is currently on a month-to-month holdover.

The Regents of the University of California have requested a new permit for continued use of the station. The basic terms and conditions of the permit are as follows:

PREMISES - Approximately two square feet of surface area. A geophone and amplifier are

installed at approximately 100 feet deep.

TERM - 15 years

EARLIER TERMINATION - Either party may terminate the permit with 90 days written notice

CONSIDERATION - The City will receive copies of reports of seismic data generated at the station.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208: 1999 Legislative Program.

(See Intergovernmental Relations Department Report IRD-98-10 (Revised) dated 1/11/98.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-99-738 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-291147

Approving the 1999 Legislative Program, as set forth in Intergovernmental Relations Department Report IRD-98-10 (Revised) dated January 11, 1998.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/30/98, RULES voted 4-0 to accept the Intergovernmental Relations Department's Recommendations for FY 1999/2000 Federal and State Legislative Program with the following changes: 1) in reference to whole effluent toxicity add wording to require reimbursement by the Federal Government when false positives by Environmental Protection Agency (EPA) testing occurs; and 2) in reference to elder abuse, request that the State consider a fine of \$5000 rather than \$2000. (Councilmembers Wear, Warden, McCarty and Mayor voted yea. Councilmember Mathis not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B388-C107.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION AS AMENDED TO INCLUDE I-15 UNDER ITEM NO. 4 OF CONTINUING FEDERAL LEGISLATIVE PRIORITIES AS REQUESTED BY COUNCIL MEMBER WARDEN. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea (nay on Item 4 under the 1999 Federal Legislative Priorities; Item 4 under the Continuing Federal Legislative and Budget Items; and Item 3 under the Continuing State Legislative and Budget Items) , Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-209: Two actions related to Wastewater System Financing Program.

(See City Manager Report CMR-98-239.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-99-708 Cor.Copy) CONTINUED TO JANUARY 19, 1999

Directing the City Manager to increase sewer service charges by five percent on March 1, 1999, by five percent on July 1, 1999 and by five percent on July 1, 2000, in order to meet public health and safety needs, as well as mandated construction schedules, as outlined in City Manager Report CMR-98-239, consistent with the Sewer Revenue and Financing Plan previously adopted by City Council on October 10, 1995.

Subitem-B: (O-99-83 Cor.Copy) CONTINUED TO JANUARY 19, 1999

Introduction of an Ordinance pursuant to Section 99 of the Charter of the City of San Diego approving the form of a Fifth Supplemental Indenture and approving the form and authorizing the execution and delivery of a purchase contract, a 1999-1 Supplement to the Master Installment Purchase Agreement relating to an Installment Purchase Financing and approving certain other agreements and actions in connection therewith.

NOTE: Six votes required for Subitem B pursuant to Section 99 of the City Charter.

FILE LOCATION: Subitems A,B: NONE

COUNCIL ACTION: (Tape location: C113-E130.)

Hearing began at 3:56 p.m. and halted at 6:00 p.m.

Council Member Kehoe left at 4:53 p.m. and returned at 5:42 p.m.

Council Member Stevens left at 5:26 p.m. and returned at 5:42 p.m.

Testimony in opposition by D'Wayne Avila, Hampton R. Mitchem, Al Strohlein, Jerry Hermes, Scott Barnett, Erik Bruvold, Robert S. Huggins, Robert Pinnegar, Wesley Buchwald, Ken Moser, Randy Johnson, Steve Sepatisme, Carol A. Salcido, Dick Walker, and Adrian Marine.

Testimony in favor by Donna Alm.

Mayor Golding closed the public testimony.

MOTION BY McCARTY TO CONTINUE TO JANUARY 19, 1999, TO ALLOW STAFF TIME TO ANSWER QUESTIONS AS REQUESTED BY MAYOR GOLDING. Second by Wear. Passed by the following vote: Mathis-nay, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: Saddle Club Estates Project.

Matter of Progress Guide and General Plan Amendment, Community Plan Amendment, Rezone, Vesting Tentative Map, Resource Protection Ordinance and Planned Residential Development Permit in the Rancho Bernardo Community Plan

(PGGP/CP/RZ/VTM/RPO/PRD-98-0197. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and E; introduce Subitem B; adopt Subitem C to approve the map and Subitem D to approve the permit.

Subitem-A: (R-99-553) ADOPTED AS RESOLUTION R-291148

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0197 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report reflects the independent judgment of the City of San Diego as Lead Agency. Stating for the record that the final Mitigated Negative Declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-69) INTRODUCED, TO BE ADOPTED FEBRUARY 1, 1999

Introduction of an Ordinance rezoning 19.36 acres in Rancho Bernardo Community Planning area.

Subitem-C: (R-99-827) GRANTED MAP, ADOPTED AS RESOLUTION
R-291149

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-D: (R-99-828) GRANTED PERMIT AS AMENDED, ADOPTED AS
RESOLUTION R-291150

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

Subitem-E: (R-99-554) ADOPTED AS AMENDED AS RESOLUTION R-291151

Adoption of a Resolution amending the Rancho Bernardo Community Plan, and the Progress Guide and General Plan.

CITY MANAGER SUPPORTING INFORMATION:

The Saddle Club Estates project proposes a Progress Guide and General Plan Amendment, Community Plan Amendment, Rezone, Vesting Tentative Map, Planned Residential Development and Resource Protection Ordinance permit No. 98-0197 to re-designate and rezone land uses, and develop a forty (40) lot single family development with private streets and gated entry, landscaping, and dedication of 19.36 acres for open space on a 34.46 acre site in the A-1-1 and A-1-10 (existing) and R-1-10 (proposed) zones.

The Rancho Bernardo Community Planning Board, voted on September 17, 1998, 16:2:2 to recommend approval of the project with three conditions: 1) the project shall use a minimum 30"-36" box trees in the parkway adjacent to Pomerado Road; 2) the developer shall construct a bus shelter, and 3) the developer shall bring back to the Planning Board for review and approval the final housing plans, elevations, and options. Development Services supports conditions 1) and 2), yet not the authority of the Planning Board to approve building plans as described in condition 3).

LEGAL DESCRIPTION:

The project site is located at 18009 Pomerado Road, between Escala Drive and Bernardo Trails Drive, in the Rancho Bernardo community and is more particularly described as Parcels 1 and 2 of Parcel Map-6480.

FILE LOCATION: Subitems A,B,C,D,E: LAND - Progress Guide and General Plan; Rancho Bernardo Community Plan (09)

COUNCIL ACTION: (Tape location: F199-H305.)

Hearing began at 6:01 p.m. and recessed at 6:02 p.m.

Council Member Warden left at 6:02 p.m.

Hearing resumed at 6:04 p.m. and halted at 7:34 p.m.

Mayor Golding left at 6:20 and returned at 6:52 p.m.

Council Member Stevens left at 6:30 p.m. and returned at 6:43 p.m.

Testimony in opposition by Albert J. Gaynor, Bill Siinu, Laurie Soll, David Rosenberg, and Cecilia L. Langland.

Testimony in favor by Lynne Heidel, Lee Okeson, Terry Vogel, Hank Darmstandler, George Marty, Shirley Collins, Jeff Ornellas, John K. Harasciuk, Dorinda Hardin, Barbara De Witt, Micheal Ehlers, James B. Harmon, Shirley Napierola, and Thomas Garcia.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS AS AMENDED, GRANTING THE MAP AND GRANTING THE PERMIT; INTRODUCE THE ORDINANCE; APPROVE THE PROJECT WITH A GATED ENTRY, TO KEEP VEHICLES OUT, TO KEEP THE PRIVATE STREET, AND TO KEEP THE AMENITIES, BUT ALLOWING PEDESTRIAN ACCESS INTO THE PROPERTY IN ORDER TO ACCESS THE OPEN SPACE; APPROVE THE ZONING OF THE PROPERTY FROM A-1-1 AND A-1-10 TO R-1-10 WITH THE FOLLOWING CONDITIONS:

1. LIMIT THE DEVELOPMENT TO 40 SINGLE FAMILY LOTS;
2. THE LAGUNA BERNARDO COMPANY DEED OVER TO THE CITY OF SAN DIEGO NO LESS THAN 15 ACRES OF THE PROJECT AREA FOR THE MHPA;
3. LAGUNA BERNARDO WILL ASIST IN THE RELOCATION OF THE EQUESTRIAN FACILITIES TO A LOCATION TO BE DETERMINED IN THE SAN PASQUAL VALLEY; AND
4. A CONTRIBUTION BY THE SUBDIVIDER, \$200,000 IN CASH AND SERVICES, TOWARD THE EXPANSION OF SOCCER FIELDS IN RANCHO BERNARDO WHICH INCLUDES \$40,000 IN CASH TO BE DEPOSITED IN A PRIVATE ACCOUNT PRIOR TO THE RECORDATION OF THE FINAL MAP TO BE USED EXCLUSIVELY FOR THE RANCHO BERNARDO SOCCER FIELD EXPANSION PROJECT THAT IS MEMORIALIZED IN THE LETTER BY THE LAGUNA BERNARDO COMPANY DATED JANUARY 11, 1999.

Second by Stallings.

Substitute motion by Vargas to adopt the Manager's recommendation, incorporating the letter by the Laguna Bernardo Company dated January 11, 1999, but not allowing for the gate. Second by McCarty. Failed. Yeas-378M; Nays-1246; 5-not present.

The original motion passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-yea.

ITEM-331: Carmel Pointe Apartments.

Matter of the appeal of Phil Layton, and interested Crest Del Mar residents, from the decision of the Planning Commission in approving a Resource Protection Ordinance (RPO)/Carmel Valley Planned District Permit CVPDP-98-0417 for the development of a 200-unit apartment project on a 7.092 acre site zoned MF-3 within Neighborhood 9 of the Carmel Valley Community Plan and Planned District. The property site is located at the easterly terminus of Elijah Court east of El Camino Real.

(RPO/CVPDP-98-0417. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the Resolution in Subitem A, and adopt the Resolution in Subitem B to deny the appeal and grant the permits:

Subitem-A: (R-99-822) ADOPTED AS RESOLUTION R-291152

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0417 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-99-823) DENIED APPEAL, GRANTED PERMITS, ADOPTED AS RESOLUTION R-291153

Adoption of a Resolution granting or denying the appeal and granting or denying the permits with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The subject 7.092 acre site is within the Neighborhood 9 (Town Center) Precise Plan of the Carmel Valley Community Plan Area and the Carmel Valley Planned District. The MF-3 (15-29 du/ac) zoned site is located at the east terminus of Elijah Court east of El Camino Real south of Townsgate Drive.

LEGAL DESCRIPTION:

The subject property is more particularly described as being Lot 6, Beecroft/Fisher Condominiums Unit 1, Map-13125 and is the remaining undeveloped portion of Tentative Map/Planned District Permit-89-1255 approved by the City Council on September 10, 1990.

FILE LOCATION: Subitems A,B: PERM - 98-0417 (65)

COUNCIL ACTION: (Tape location: H311-I106.)

Hearing began at 7:35 p.m. and halted at 7:59 p.m.

Testimony in opposition by Phil Layton and Cheryl Swenski.

Testimony in favor by Allen Haynie.

MOTION BY MATHIS TO DENY THE APPEAL, APPROVE THE PROJECT, GRANTING THE PERMITS. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: Two actions related to the Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P98-197. Public Facilities Financing Plan and FBA, Draft FY 99. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-617 Cor. Copy 12/17/98) ADOPTED AS RESOLUTION
R-291154

Designating an area of benefit in Mira Mesa; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the

proposed Public Facilities Project in the matter of the Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-99-618) ADOPTED AS RESOLUTION R-291155

Declaring that the assessment fee schedule contained in the Mira Mesa Public Facilities Financing Plan, as adopted and approved in Resolution R-291096, is an appropriate and applicable Development Impact Fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/18/98, the LU&H Committee voted 4-0 to approve. (Councilmembers Mathis, Stallings, McCarty and Vargas voted yea. Councilmember Stevens not present.)

FILE LOCATION: Subitems A,B: STRT - FB-12-99 (33)

COUNCIL ACTION: (Tape location: I163-269.)

Hearing began at 8:04 p.m. and halted at 8:12 p.m.

Testimony in opposition by Kari Desgalier and Donn Goss.

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS APPROVING THE FINANCIAL PLAN WITH DIRECTION TO STAFF TO WORK WITH KILROY REALTY TO MAKE SURE THE ASSESSMENT WAS FAIR TO THAT COMPANY AND TO KEEP COUNCIL INFORMED OF THE RESULTS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: Two actions related to the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P98-196. Public Facilities Financing Plan and FBA, Draft FY 99. Rancho Peñasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-624) ADOPTED AS RESOLUTION R-291156

Designating an area of benefit in Rancho Peñasquitos; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Rancho Peñasquitos Facilities Benefit Assessment Area.

Subitem-B: (R-99-625) ADOPTED AS RESOLUTION R-291157

Declaring that the assessment fee schedule contained in the Rancho Peñasquitos Public Facilities Financing Plan, as adopted and approved in Resolution R-291094, is an appropriate and applicable Development Impact Fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/18/98, the LU&H Committee voted 4-0 to approve. (Councilmembers Mathis, Stallings, McCarty and Vargas voted yea. Councilmember Stevens not present.)

FILE LOCATION: Subitems A,B: STRT - FB-13-99 (33)

COUNCIL ACTION: (Tape location: A315-475.)

Hearing began at 2:52 p.m. and halted at 3:00 p.m.

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: Construction Improvements for Pacific Coast Highway at Marriott Residence Inn.

(See memorandum from the Centre City Development Corporation dated 11/23/98. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-679) ADOPTED AS RESOLUTION R-291158

Approving the construction of certain off-site improvements and the participation of the Redevelopment Agency in a Reimbursement Agreement for a sewer main in the Little Italy Redevelopment District of the Expansion Area of the Centre City Redevelopment Project Area and making certain findings with respect to the payments for the improvements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: Funding of the Southeastern Economic Development Corporation's Homebuyer Assistance Program for Evergreen Village.

(See memorandum from SEDC dated 11/10/98. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-99-720) ADOPTED AS RESOLUTION R-291159

Approving the findings of benefit for the use of Housing Set Aside Funds from the Gateway Center West and Mount Hope Redevelopment Project Areas.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: Approving the Financing and Refinancing of the Centre City Redevelopment Project.

(See memorandum from CCDC dated 12/10/98. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-702) ADOPTED AS RESOLUTION R-291160

Approving the Financing and Refinancing of the Centre City Redevelopment Project by the Redevelopment Agency of the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: Public Facilities Financing Authority of the City of San Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-725) ADOPTED AS RESOLUTION R-291161

Authorizing an Amended and Restated Joint Exercise of Powers Agreement by and between the City of San Diego and the Redevelopment Agency;

Council confirmation of the appointments by the Mayor of Joseph W. Craver, Samuel Brown, and Christine M. Frahm to serve as members of the public on the Commission of the Public Facilities and Financing Authority.

CITY MANAGER SUPPORTING INFORMATION:

A Joint Exercise of Powers Agreement by and between the City of San Diego and the Redevelopment Agency of the City of San Diego (the Agreement) was entered into on May 14, 1991. This agreement established the Public Facilities Financing Authority (the Authority) of the City of San Diego. The Authority is empowered by law to jointly exercise any powers common to the City and the Agency, and is also authorized to issue bonds and expend bond proceeds for any lawful purpose, including the financing of certain public capital improvements. The Authority is administered by a Commission which currently consists of three members: The City Manager, the City Auditor and Comptroller; and the City Attorney. It is recommended that the representation on the Commission be expanded to allow for greater public participation and oversight of the Authority's financings. It is specially proposed that Section 3.B. of the Agreement be amended to expand the Commission to five members, and that the members consist of: The City Manager, the City Auditor and Comptroller, and three members of the public. It is also recommended that the City Council confirm the following appointments made by the Mayor for members of the public to serve on the Commission for terms of four years: Joseph W. Craver, Samuel Brown, and Christine M. Frahm.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I271-360.)

MOTION BY MATHIS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338: Three actions related to Proposed Consolidated Refunding of Seven 1915 Act Bonds Issued by the City on Behalf of Property Owners within the Districts and the Creation of City of San Diego Reassessment District No. 1999-1.

(See City Manager Report CMR-99-01. Districts-1, 5, 6 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-740) ADOPTED AS RESOLUTION R-291162

Adoption of a Resolution making preliminary determinations and declaring the City's intention to issue Refunding Bonds for Proposed Reassessment District No. 1999-1.

Subitem-B: (R-99-741) ADOPTED AS RESOLUTION R-291163

Adoption of a Resolution approving the Report of the Assessment Engineer and confirming reassessments within Reassessment District No. 1999-1.

Subitem-C: (R-99-742) ADOPTED AS RESOLUTION R-291164

Adoption of a Resolution authorizing and providing for the issuance of Refunding Bonds, approving the form of Bond Indenture and Bond Purchase Agreement and authorizing other actions in connection therewith.

FILE LOCATION: Subitems A,B,C: STRT - D-2305 (31)

COUNCIL ACTION: (Tape location: A315-475.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: Authorizing Property Negotiations with De Anza Mobile Estates.

In the matter of authorizing the City Manager to negotiate a Memorandum of Understanding (MOU) for the redevelopment of De Anza Harbor Resort with De Anza Mobile Estates.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket for public testimony.

TODAY'S ACTION IS: CONTINUED TO FEBRUARY 1, 1999, TIME CERTAIN

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on January 19, 1999.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: I109-142.)

MOTION BY WEAR TO CONTINUE TO FEBRUARY 1, 1999, WITH TIME CERTAIN, TO ALLOW TIME FOR THE PUBLIC TO RESPOND AS REQUESTED BY MAYOR GOLDING. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

CLOSED SESSION

ITEM-CS-1: (R-99-756) ADOPTED AS RESOLUTION R-291167

A Resolution adopted by the City Council in Closed Session on January 11, 1999:

Authorizing the City Manager to pay the sum of \$200,000 in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. 717406, Frank Brenha v. City of San Diego, et al., resulting from personal injury to plaintiff when he was arrested by uniformed officers of the San Diego Police Department; authorizing the City Auditor and Comptroller to issue one check in the amount of \$200,000, made payable to Frank Brenha and his attorney of record, John William Houts, HOUTS AND HOUTS, 3131 Fourth Avenue, San Diego, CA 92103, and UCSD Medical Center, in full settlement of all claims.

Aud. Cert. 9900709

FILE LOCATION: MEET

ITEM-CS-2: (R-99-743) ADOPTED AS RESOLUTION R-291168

A Resolution adopted by the City Council in Closed Session on January 11, 1999:

Authorizing the City Manager to pay the sum of \$47,598.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the personal injuries to Margarita Munoz; authorizing the City Auditor and Comptroller to issue one check in the amount of \$10,000.00 and additional subsequent checks up to \$37,598.00 made payable to Margarita Munoz in full settlement of all claims.

Aud. Cert. 9900672

FILE LOCATION: MEET

ITEM-CS-3: (R-99-757) ADOPTED AS RESOLUTION R-291169

A Resolution adopted by the City Council in Closed Session on January 11, 1999:

Authorizing the City Manager to pay the sum of \$65,434.17 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the property damage claim of Shirley Birdsall; authorizing the City Auditor and Comptroller to issue one check in the amount of \$65,434.17 made payable to Luth & Turley, Inc. in full settlement of all claims.

Aud. Cert. 9900694

FILE LOCATION: MEET

ITEM-CS-4: (R-99-758) ADOPTED AS RESOLUTION R-291170

A Resolution adopted by the City Council in Closed Session on January 11, 1999:

Authorizing the City Manager to pay the sum of \$80,756.15 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the property damage claim of Shelly Newbon, et al.; authorizing the City Auditor and Comptroller to issue one check in the amount of \$80,756.15 made payable to Luth & Turley, Inc. in full settlement of all claims.

Aud. Cert. 9900696

FILE LOCATION: MEET

ITEM-CS-5: (R-99-759) ADOPTED AS RESOLUTION R-291171

A Resolution adopted by the City Council in Closed Session on January 11, 1999:

Authorizing the City Manager to pay the sum of \$52,492.41 in the settlement of each and every claim against The City of San Diego its agents and employees resulting from the property damage claim of Jim Mahler, et al.; authorizing the City Auditor and Comptroller to issue one check in the amount of \$52,492.41 made payable to Luth & Turley, Inc. in full settlement of all claims.

Aud. Cert. 9900695

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 10:18 p.m. in honor of the memory of:

Archie Moore as requested by Mayor Golding and Council Member Stevens;

Jesse Lee Perkins as requested by Mayor Golding;

Leon Madrigal as requested by Council Member Kehoe;

Gillermo 'Bill' Lopez as requested by Council Member Stevens;

Bishop Charles L. Taylor as requested by Council Member Stevens;

Rear Admiral Karl Laup, USN, Ret. as requested Council Member Mathis;

Jerry Davis as requested by Council Member Stallings;

Leland Montgomery as requested by Deputy Mayor Wear; and

Stanley Chambers as requested by Council Member Warden.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: L173-325).